

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

NICOLE WOOTEN,

PLAINTIFF,

VS.

**LIMETREE BAY TERMINALS, LLC, ET
AL.**

DEFENDANTS.

CASE NO. 1:23-CV-00012

UNOPPOSED MOTION TO CONTINUE INITIAL SCHEDULING CONFERENCE

Defendant Port Hamilton Refining and Transportation, LLLP moves to continue the scheduling conference presently set for December 12, 2023. Undersigned counsel has communicated with all parties to the action and all consent to moving the date of the conference and do not oppose this motion.

The grounds for the motion are twofold. First, undersigned counsel made a calendaring error when the order scheduling the December 12, 2023 conference was first entered and is now double-booked on December 12. Beginning on December 12, undersigned counsel is participating in, and presenting at, a two-day meeting on St. Thomas involving approximately ten lawyers and 3-4 client representatives who are flying in to St. Thomas for a meeting on certain pending litigation. It would be incredibly disruptive to have to reschedule that meeting. Further, because of the logistics of when undersigned counsel is presenting, it would not be possible for counsel to participate in the scheduling conference remotely (and thus counsel has not

requested that relief).

Second, in conferring pursuant to Rule 26(f)(1) and (2) of the Federal Rules of Civil Procedure, the parties discussed the fact that a motion to file a second amended complaint was filed in the Superior Court shortly before the case was removed and that motion remains pending. (The motion is found at Doc. No. 1-1, p.43.) Plaintiff intends to serve defendant West Indies Petroleum when that motion is ruled upon. Once West Indies Petroleum is joined and appears, another scheduling conference with its participation will be required. Thus, it will further the purposes of Fed. R. Civ. P. 1 by sparing the parties unnecessary expense if the December 12, 2023 conference is continued.

Finally, because the motion to amend the first amended complaint is unopposed, the proposed Order attached to this motion includes a section granting that motion.

Respectfully submitted,

ANDREW C. SIMPSON, P.C.,
Counsel for Port Hamilton Refining and
Transportation, LLLP

Dated: December 7, 2023

/s/ Andrew C. Simpson
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